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13 PRODUCTIONS CO. LTD.

14 UNITED STATES DISTRICT COURT

15 CENTRAL DISTRICT OF CALIFORNIA

16 WESTERN DIVISION

17 UM CORPORATION, a Japanese
18 corporation,

19 Plaintiff,

20 vs.

21 TSUBURAYA PRODUCTIONS CO.
22 LTD., a Japanese corporation,

23 Defendant.

CASE NO. 2:15-cv-03764-AB-AJW

**TSUBURAYA PRODUCTIONS CO.
LTD.'S REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT**

Date: July 24, 2017

Time: 10:00 a.m.

Location: Courtroom 7B

Judge: Hon. André Birotte, Jr.

Trial Date: November 7, 2017

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2 TSUBURAYA PRODUCTIONS CO.
3 LTD., a Japanese corporation,

4 Counterclaimant,

5 vs.

6 UM CORPORATION, a Japanese
7 corporation; ULTRAMAN USA, INC.,
8 a California corporation; SOMPOTE
9 SAENGDUENCHAI, a Thai individual;
10 GOLDEN MEDIA GROUP, INC., a
11 California corporation; TIGA
12 ENTERTAINMENT COMPANY,
13 LTD., a Hong Kong corporation; and
14 DOES 1-10,

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28 Counterdefendants.

REQUEST FOR JUDICIAL NOTICE

Pursuant to Fed. R. Evid. 201, defendant and counterclaimant Tsuburaya Productions Co. Ltd. (“TPC”) respectfully requests that the Court take judicial notice of the following documents referenced in its Motion for Summary Judgment (the “Motion”):

1. The February 28, 2003 decision of the Tokyo District Court in Case No. Heisei13 wa 12140. Attached hereto as **Exhibit A** is a copy of the original decision in Japanese and, attached as **Exhibit B** is a certified English translation of the same.

2. The September 30, 2010 decision of the Tokyo District Court in Case No. Heisei21 wa 6194 (Heisei18 wa 10273). Attached hereto as **Exhibit C** is a copy of the original decision in Japanese, and attached as **Exhibit D** is a certified English translation of the same.

3. The July 27, 2011 decision of the Japanese Intellectual Property High Court in Case No. Heisei22 ne 10080. Attached hereto as **Exhibit E** is a copy of the original decision in Japanese, and attached as **Exhibit F** is a certified English translation of the same.

4. The April 26, 2012 Order of the Japan Supreme Court denying review in Case No. Heisei23 ju 2004. Attached hereto as **Exhibit G** is a copy of the original decision in Japanese, and attached as **Exhibit H** is a certified English translation of the same.

5. The November 14, 2007 decision of the Supreme Court of Thailand in Case No. 7457/2550. Attached hereto as **Exhibit I** is a copy of the original decision in Thai, and attached as **Exhibit J** is a certified English translation of the same.

6. The December 30, 2015 decision of the Supreme Court of Thailand in Black Case No. 2186/2558 and Red Case No. 548/2559. Attached hereto as **Exhibit K** is a copy of the original decision in Thai, and attached as **Exhibit L** is a certified English translation of the same.

ARGUMENT

Fed. R. Evid. 201 permits a court to “take judicial notice of a fact not subject to reasonable dispute in that it is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” *Daniels-Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 999 (9th Cir. 2010). Pursuant to Fed. R. Evid. 201, courts “may take judicial notice of court filings and other matters of public record.” *Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n. 6 (9th Cir. 2006) (citing *Burbank-Glendale-Pasadena Airport Auth. v. City of Burbank*, 136 F.3d 1360, 1364 (9th Cir. 1998)); *United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (courts “may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue”) (quoting *St. Louis Baptist Temple, Inc. v. FDIC*, 605 F.2d 1169, 1172 (10th Cir. 1979)). Foreign judgments are no different. *See, e.g., United States v. Garland*, 991 F.2d 328, 332 (6th Cir. 1993) (taking judicial notice of Ghanaian criminal judgment); *A.I. Trade Fin., Inc. v. Centro Internationale Handelsbank AG*, 926 F. Supp. 378, 388 (S.D.N.Y. 1996) (Vienna judgment).

As set forth in TPC’s Motion, Exhibits A-H are orders from Japanese proceedings involving TPC and Counterdefendant Sompote or Plaintiff and Counterdefendant UM Corporation (“UMC”). The decisions address issues relevant to TPC’s Motion including the interpretation of the alleged “1976 Document” and the effect of the “Non-Contravention Agreement” on UMC’s rights under the alleged 1976 Document. (Mot. at 8, 21.) UMC cannot reasonably dispute the accuracy and authenticity of three of the four original Japanese judgments (Exhibits C, E, and H), as they are the same documents that UMC submitted in support of its motion for summary judgment last year. (*See* Dkt. 77, Exs. A, C, & E.) The 2003 original judgment of the Tokyo District Court (Exhibit A) has not been submitted before, but its authenticity is confirmed by the declaration, submitted herewith, of Judge Toshiaki Iimura, TPC’s Japanese law expert and a former Presiding Judge of the Intellectual Property High

1 Court of Japan. The translations of all four judgments, prepared by professional
2 translation services, are certified and notarized. Accordingly, because they are capable
3 of accurate and ready determination by resort to sources whose accuracy cannot
4 reasonably be questioned, the judgments presented in Exhibits A-H are properly subject
5 to judicial notice.

6 Similarly, Exhibits J and L are certified translations of final judgments from the
7 courts in Thailand, which have been submitted previously as attached the declaration of
8 Manu Rakwattanakul (Dkts. 86-1 & 86-5), TPC's counsel in Thailand. These
9 judgments are relevant to issues in TPC's Motion, including to the extent they show
10 that there is no conflict among any final foreign judgment between TPC and
11 Sompote/UMC on the issue of the interpretation of the alleged 1976 Document. The
12 December 30, 2015 judgment confirms that Mr. Sompote was convicted criminally for
13 having submitted the falsified alleged 1976 Document to court.

14 For the foregoing reasons, TPC respectfully requests that this Request for
15 Judicial Notice be granted.

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17 DATED: June 5, 2017

Respectfully submitted,

18 QUINN EMANUEL URQUHART &
19 SULLIVAN, LLP

20
21 By /s/ Daniel C. Posner

22 Daniel C. Posner
23 Attorneys for TSUBURAYA
24 PRODUCTIONS CO. LTD.
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